

Indiana Civil Rights Commission
AGENCY MONTHLY REPORT
AUGUST 2012



Jamal L. Smith
Executive Director

Intake

The Intake section of the report shows the number of phone, web and/or mail inquiries received from the public. It also shows the number of jurisdictional complaints drafted and mailed. The number of signed complaints received for investigation is also reported.

	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	June 2012	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Year to Date
Total Number of Inquiries	305	366	381	419	377	279	354	344					2825
Number of Complaints Drafted	61	69	64	103	103	72	66	42					580
% of inquiries drafted	20%	19%	17%	25%	27%	26%	19%	12%					21%
Employment	43	54	45	58	81	52	52	32					417
Real Estate	6	4	3	8	5	7	9	4					46
Public Accommodation	2	4	4	5	12	3	2	5					37
Credit	0	0	0	0	0	0	0	0					0
Education	3	2	3	3	5	4	3	1					24
Unknown	7	5	9	37	0	6	0	0					64
Number of Complaints Formalized	85	84	95	73	99	67	69	66					638
Employment	75	67	73	57	73	47	54	43					489
Transferred from EEOC*	23	17	7	1	4	0	4	2					58
Real Estate	4	8	14	6	16	6	8	14					76
Transferred from HUD**	1	2	1	1	5	1	3	3					17
Public Accommodation	6	4	5	8	7	12	4	7					53
Credit	0	0	0	0	0	0	0	0					0
Education	0	5	3	2	3	2	3	2					20

*EEOC sends cases to ICRC pursuant of the Deferral Program. These transfers are included in the total # of EEOC complaints formalized.

**Reflects cases retrieved from Teapots. These transfers are included in the total # of HUD complaints formalized.

Inquiries by Region

This section provides a breakdown of the inquiries received by each region.

	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	June 2012	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Year to Date
Total Number of Inquiries by Region	305	366	381	419	377	279	354	344					2825
Region 1	40	51	38	53	46	44	30	38					340
Region 2	22	36	38	40	26	20	27	30					239
Region 3	11	13	22	31	22	14	25	23					161
Region 4	7	11	12	13	10	11	12	21					85
Region 5	132	146	156	158	148	110	151	140					1141
Region 6	26	37	35	35	32	19	34	30					248
Region 7	18	12	18	21	29	16	15	17					146
Region 8	18	19	19	11	24	20	20	15					146
Region 9	17	19	16	28	27	19	35	20					181
Unknown	14	22	27	29	13	6	5	10					126

Region 1: Jasper, Lake, LaPorte, Newton, Porter, Pulaski and Starke

Region 2: St. Joseph, Elkhart, Marshall, Fulton, Kosciusko, Wabash, Cass and Miami

Region 3: LaGrange, Steuben, Noble, Dekalb, Whitley, Allen, Huntington, Wells and Adams

Region 4: White, Benton, Warren, Tippecanoe, Carroll, Clinton, Fountain and Montgomery

Region 5: Boone, Hamilton, Hendricks, Marion, Hancock, Morgan, Johnson and Shelby

Region 6: Howard, Grant, Blackford, Jay, Tipton, Madison, Delaware, Randolph, Henry, Wayne, Rush, Fayette, Union and Franklin

Region 7: Vermillion, Parke, Putnam, Vigo, Clay, Owen, Sullivan, Greene and Monroe

Region 8: Knox, Daviess, Martin, Lawrence, Gibson, Pike, Dubois, Orange, Crawford, Posey, Vanderburgh, Warrick, Spencer and Perry

Region 9: Brown, Bartholomew, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Ohio, Ripley, Scott, Switzerland and Washington

Unknown: If the location of the inquiry cannot be identified.

Investigation

The Investigation section shows the overall age of cases currently being investigated by the agency. Cases over 100 days in Real Estate or 180 days in all other cases could be in the Legal Department pending a decision. (Aged is >100 days in Real Estate and >180 days in all other cases).

	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	June 2012	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Year to Date
% of Aged Cases by Area													
Employment	20%	20%	25%	22%	26%	27%	16%	18%					22%
Real Estate	0%	19%	12%	15%	0%	0%	0%	3%					6%
Public Accommodation	19%	22%	20%	25%	27%	13%	7%	6%					17%
Credit	0%	0%	0%	0%	0%	0%	0%	0%					0%
Education	14%	17%	20%	14%	35%	25%	18%	27%					21%
Open Cases by Area													
Employment	369	392	429	433	444	449	425	340					
Real Estate	53	47	47	41	52	41	45	51					
Public Accommodation	50	53	56	61	57	62	62	42					
Credit	0	0	0	0	0	0	0	0					
Education	20	24	27	28	25	27	30	22					

Closures

The Closure section indicates the number of cases closed and how the case was closed after a complete investigation. NPC = No Probable Cause, CWS = Closed with Settlement (Mediation Agreement), CW = Closed Withdrawal, AD = Administrative Dismissal (Lack of Jurisdiction, Failure to Cooperate/Locate), FO = Final Order.

	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	June 2012	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Year to Date
Number of Cases Closed	62	42	46	73	64	66	88	152					593
Employment	42	27	31	55	45	38	75	106					419
Real Estate	10	13	13	13	3	21	9	11					93
Public Accommodation	7	1	2	2	12	5	4	25					58
Education	3	1	0	3	4	1	0	10					22
Credit	0	0	0	0	0	1	0	0					1
Type of Closure													
NPC	43	31	37	56	45	40	60	129					441
CWS	8	6	5	9	11	9	13	9					70
CW	3	1	2	4	5	6	2	4					27
AD	3	4	1	0	3	3	7	5					26
FO	5	0	1	4	0	8	6	5					29

Legal

The Legal section tracks cases receiving probable/reasonable cause, as well as provides information on active cases being handled by the Legal Department.

	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	June 2012	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Year to Date
Probable/Reasonable Cause Findings	12	2	4	5	4	6	6	8					47
Employment	9	2	3	2	3	6	3	6					34
Real Estate	3	0	1	3	0	0	1	1					9
Public Accommodation	0	0	0	0	0	0	2	1					3
Education	0	0	0	0	1	0	0	0					1
Credit	0	0	0	0	0	0	0	0					0
Active Cases	45	48	44	49	54	59	59	58					
Employment	24	28	29	32	34	38	37	35					
Real Estate	9	9	7	9	11	12	12	13					
Public Accommodation	6	6	5	5	5	6	7	7					
Education	6	5	3	3	4	3	3	3					
Credit	0	0	0	0	0	0	0	0					
Average Age of Cases since NOF*													

*NOF (Notice of Finding). This includes cases that are now pending in state court.

Probable Cause Findings for the current month

This section provides detailed information on probable cause findings.

Hunt v. Mahajan Corporation d/b/a Subway Sandwich Shop is an employment case based on sexual harassment. Complainant alleged that she was forced to quit after being sexually harassed.

Vick v. Mahajan Corporation d/b/a Subway Sandwich Shop is an employment case based on sexual harassment. Complainant alleged that she was forced to quit after being sexually harassed.

Ramos v. Tipton County Auditors Office is an employment case based on disability. Complainant alleged that he was terminated because of her disability.

Whitesell v. AT&T d/b/a Indiana Bell Telephone Company Inc. is an employment case based on disability. Complainant alleged that he was terminated because of his disability.

Benton v. Greenwood Meadows is an employment case based on sex. Complainant alleged that she was terminated because she was pregnant.

Galloway v. Maria's House of Pancakes is an employment case based on disability. Complainant alleged that she was denied a reasonable accommodation, subjected to a hostile work environment and terminated because of her disability.

Ragle v. Icon Properties, LLC, Orchard Hills, LLC, and Orchard Hills Apartments is a housing case based on disability. Complainant alleged that Respondent denied his reasonable accommodation request.

Holmes v. Amanda Pappas is a public accommodation case based on disability. Complainant alleged that Respondent denied her entrance into its facility because she had a service animal.

Final Orders

This section provides information on cases that receive Final Orders by The Commission.

Jones v. Bob Evans is an employment case based on race. Complainant alleged that he was terminated because of his race. The case was closed with a settlement.

Abrams v. Comfort Suites is an employment case based on race. Complainant alleged that he was terminated because of his race. The case was closed with a settlement.

DeCenzo v. Admiral Petroleum is an employment case based on disability. Complainant alleged that he was demoted because of his disability. The case was closed with a settlement.

Stover v. Scottsway Trucking is an employment case based on disability. Complainant alleged that he was terminated because of his disability. The case was closed with a settlement.

Otterbern v. Marathon Oil is a public accommodation case based on disability. Complainant alleged that Respondent denied him entrance into its facility because he had a service animal. The case was closed with a settlement.

Legal Updates

This section provides information on legal news, passing or changes in law and other state and local laws affecting The Commission.

Articles of Interest:

State to drop defense of immigration law (August 1, 2012, Indianapolis)

<http://www.journalgazette.net/article/20120801/NEWS07/308019973/0/SEARCH>

The state attorney general's office said Tuesday that it no longer will defend most of the disputed portions of Indiana's new immigration law, as they were rendered invalid when the U.S. Supreme Court struck down similar parts of an Arizona law in June.

The role of a civil rights enforcement investigator (August 1, 2012, Fort Wayne)

<http://www.frostillustrated.com/atf.php?sid=10665>

Whether you have filed a complaint or charge with Metro (your local civil rights enforcement agency), or whether you file with the ICRC (Indiana Civil Rights Commission) the EEOC (Equal Employment Opportunity Commission), or in the case of a housing complaint with HUD (U.S. Housing and Urban Development) the investigator's role is similar.

Fired Ball State coach settles lawsuit for \$710,000 (July 29, 2012, Muncie)

<http://www.indystar.com/apps/pbcs.dll/article?AID=2012206290331>

A former Ball State coach who sued for wrongful termination after being fired in 2010 will receive a settlement package worth \$710,000 from the university in exchange for dropping the lawsuit. Kathy Bull, the Cardinals' former women's tennis coach, and Ball State on Wednesday reached an agreement in principal. The settlement includes \$550,000 cash and health benefits for life, according to an announcement. Her case alleged defamation, denial of due process, sex discrimination and First Amendment and equal protection retaliation.

Professor Calls for Human Relations Commission Funding to Be Cut (July 27, 2012, Evansville)

http://tristatehomepage.com/fulltext-news?nxd_id=531532

A university professor is making big claims against a local government organization. Glenn Kissel, Ph.D., a professor for USI's engineering department says the Evansville-Vanderburgh County Human Relations Commission is playing racial favorites.

State Commission Reorganization Continues (August 7, 2012, Inside Indiana Business)

<http://www.insideindianabusiness.com/newsitem.asp?ID=55022>

Indians to host first Civil Rights game (August 6, 2012, Kokomo Perspective)

http://kokomoperspective.com/sports/indians-to-host-first-civil-rights-game/article_ab1f4c68-dfea-11e1-8fb5-001a4bcf887a.html

Former Indianapolis deputy mayor Jane Henegar named ACLU executive director (August 3, 2012, Indy Star)

<http://www.indystar.com/article/20120803/NLETTER08/308030002/-1/NLETTER08?source=nletter-business>

Indiana Civil Rights Commission to partner with the Burmese Advocacy Center (8/14/2012, *Fort Wayne News-Sentinel*)

<http://www.news-sentinel.com/apps/pbcs.dll/article?AID=/20120813/NEWS/120819834/1005>

The Indiana Civil Rights Commission announced Monday a new partnership with the Burmese Advocacy Center in Fort Wayne.

HUD charges owners and managers of Alabama mobile home park with discriminating against African American family (8/8/2012, *HUD.gov*)

http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2012/HUDNo.12-124

HUD charged Lawrence at Lakewood, LLC, and Lawrence Properties, Inc., which own and manage Heritage Point and other mobile home parks in Alabama and Georgia; Michael Lawrence, CEO of both companies; and William Bounds, district supervisor for four mobile home parks, including Heritage Point.

Fremont Toyota pays \$400,000 to settle EEOC's harassment and retaliation lawsuit (8/7/2012, *EEOC.gov*)

<http://www.eeoc.gov/eeoc/newsroom/release/8-7-12.cfm>

The EEOC's lawsuit charged that Fremont Toyota's general manager singled out four Afghan American salesmen during a staff meeting, calling them "terrorists" and threatening them with violence. After the men reported the harassment, they faced retaliation by the car dealership, such as additional verbal harassment and extra job scrutiny.

Department of Justice and Department of Education Joint Guidance on the Voluntary Use of Race (8/7/2012, *United States Department of Justice*)

<http://www.justice.gov/crt/about/edu/guidance.php>

The guidance is intended to help schools, colleges, and universities lawfully achieve compelling interests in diversity, and for K-12 schools, the additional compelling interest in avoiding racial isolation.

Augusta National adds first 2 female members (8/20/2012, *Yahoo! Sports*)

<http://sports.yahoo.com/news/augusta-national-adds-first-2-150122701--golf.html>

HUD charges Minnesota mobile home park owners and manager with discriminating against Mexican American people (8/20/2012, *HUD.com*)

http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2012/HUDNo.12-133

EEOC Releases FY 2011 Federal Sector Report (8/20/2012, *EEOC.gov*)

<http://www.eeoc.gov/eeoc/newsroom/release/8-20-12.cfm>

Driving spirit of civil rights movement to speak in Evansville (8/20/2012, *Evansville Courier and Press*)

<http://www.courierpress.com/news/2012/aug/20/no-headline---hrcdinner/>

Indians to host 1st 'Civil Rights Game' (8/19/2012, Indianapolis Recorder)

http://www.indianapolisrecorder.com/sports/article_3d916cca-e22f-11e1-8ac2-001a4bcf887a.html

Boggs Proud to Wear Clowns Jersey (8/26/2012, IndianapolisIndians.com)

While Indians Pay Homage to Past, Boggs Looks to Future

http://www.milb.com/news/article.jsp?ymd=20120826&content_id=37367368&vkey=pr_t484&fext=.jsp&sid=t484

Check out pictures from the game here on the ICRC Photo Gallery page: <http://www.in.gov/icrc/2468.htm>

United States reaches lending discrimination settlement with GFI Mortgage Bankers, Inc. (8/28, 2012, HUD.gov)

http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2012/HUDNo.12-140

EEOC Commissioners to Explain Disability Discrimination Law in Coast-To-Coast Tour (8/28/2012, EEOC.gov)

<http://www.eeoc.gov/eeoc/newsroom/release/8-28-12.cfm>

Obese Americans say they also must deal with stigma and outright discrimination, poll finds (8/24/2012, Indianapolis Star)

<http://www.indystar.com/apps/pbcs.dll/article?AID=2012208240323>